

## REMARKS

### I. Summary of the Office Action

Claims 14-16 are 40-48 are pending in this application.

All pending claims are rejected under 35 U.S.C. § 103(a) as being obvious over Zigmond et al. U.S. Patent No. 6,698,020 (hereinafter "Zigmond") in view of Nagasaka et al. U.S. Patent No. 5,818,439 (hereinafter "Nagasaka").

### II. Summary of Applicant's Reply

Applicant has amended claims 14, 40, 43, and 46 to more particularly define the subject matter of the claimed invention. Support for these amendments may be found throughout the specification, e.g., at page 3, lines 13-16 and page 7 line 29 to page 8, line 12\*. No new subject matter has been added.

The Examiner's rejection is respectfully traversed. Applicant respectfully requests that the rejection be withdrawn.

### III. The § 103 Rejection

Amended independent claims 14, 40, 43, and 46 specify a method, systems, and machine-readable medium for presenting a forced advertisement on user equipment. The forced advertisement is detected in an incoming video stream and presented on the user equipment. The user equipment is turned while the forced advertisement is being presented. The forced advertisement is automatically presented, when the user equipment is turned on, from the beginning of the forced advertisement or recommenced from the point at which the user equipment was turned off.

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\* The recitation of support is not intended to be exhaustive. Support may be found elsewhere in the specification.

Zigmond relates to "selecting and inserting advertisements into a video programming feed." (See Zigmond, Abstract, lines 1-2). To address advertisement avoidance by "aggressive channel surfers," Zigmond inserts a particular advertisement into each advertisement slot that a channel surfer encounters, or alternatively, simultaneously broadcasts a selected advertisement on all channels. (See Zigmond, column 13, lines 16-39).

Nagasaka relates to a video playback system. When a video program is interrupted by a user by turning off the set top box on which it is playing, the user is given the option to choose whether to continue playing the video program the next time the set top box is turned on. (See Nagasaka, column 14, lines 21-26).

The Examiner contends that the combination of Zigmond and Nagasaka discloses all the features of applicant's independent claims 14, 40, 43, and 46. The Examiner further contends that at the time of applicant's invention, it would have been obvious to one of ordinary skill in the art to combine Zigmond and Nagasaka, the motivation allegedly being that "adding the [video] resuming feature [to Zigmond] would enable the system to force the user to view the commercial even if the STB was turned off." (See Office Action, page 4, emphasis added). Applicant respectfully disagrees.

First, neither Zigmond nor Nagasaka, taken individually or in combination, discloses automatically presenting the forced advertisement from the beginning of the forced advertisement or recommencing the forced advertisement from the point at which the user equipment was turned off, as taught in applicant's amended independent claims 14, 40, 43 and 46. The Examiner concedes that Zigmond fails to disclose this feature. Nagasaka also fails to disclose this feature at least because the interrupted video

program is not automatically presented to the user when the set-top box is turned on.

Second, presenting the user with the option to either resume playing the interrupted video program or abort altogether, as required by the system in Nagasaka (see, e.g., Nagasaka, FIG. 4, column 14, lines 21-26), teaches away from "forcing the user to view the commercial." In contrast, applicant specifies automatically presenting the forced advertisement, thereby substantially eliminating any input by the user as to whether or not the forced advertisement is displayed in its entirety.

Finally, applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness as required by MPEP § 2143 at least because the Examiner has failed to provide any objective teaching in the cited references or in knowledge generally available to one of ordinary skill in the art that would lead that individual to combine the cited references. The Examiner merely contends that one would be motivated to combine the references because "adding the [video] resuming feature [to Zigmond] would enable the system to force the user to view the commercial even if the STB was turned off." (See Office Action, page 4, emphasis added). Applicant respectfully submits that this does not constitute sufficient motivation. Rather, the Examiner has merely listed an alleged benefit of combining the references without pointing to any teaching in either reference. Further, applicant submits that the cited references fail to provide such a teaching or motivation at least because 1) Nagasaka is aimed at "helping a viewing user remember the contents of past viewing" (Nagasaka, column 1, lines 48-53) rather than forcing the user to view an advertisement; 2) Nagasaka fails to disclose using the system specifically for forced advertisements, or even specifically for advertisements in general; and 3) Zigmond fails

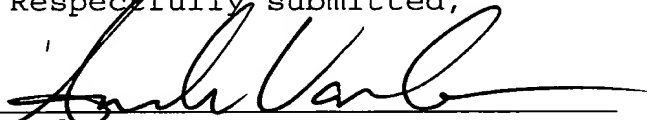
to suggest resuming "selected advertisements" interrupted by turning off the user equipment for even the users it classifies as "aggressive channel surfers." (See Zigmond, column 13, lines 16-39).

Accordingly, for at least the foregoing reasons, applicant respectfully submits that amended independent claims 14, 40, 43, and 46 are allowable over Zigmond and Nagasaka, whether taken alone or in combination. Applicant also respectfully submits that dependent claims 15, 16, 41, 42, 44, 45, 47, and 48 are allowable for at least the reason they depend from allowable independent claims 14, 40, 43, and 46.

IV. Conclusion

The foregoing demonstrates that this application is in condition for allowance. Accordingly, reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,



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